

## **REMARKS**

Applicant would like to thank the Examiner for the courtesies extended to Applicant's undersigned representative on March 19, 2009, where the independent claims, and the references (JP '192 and US '465) were discussed. No agreement was reached with regard to the allowability of any claims.

Claims 1-60, 64-74, and 76-82 were indicated as rejected in an Office Action dated October 14, 2008. Claims 1 and 56 have been amended. Support for the amendments may be found in the "Detailed Description of the Invention." Applicant respectfully requests reconsideration of the present application in view of the following remarks.

### **Rejection under 35 USC §102(b) as anticipated by Japanese Patent 11051192 (JP'192)**

Claims 56-58, 64, 65, 67, 68, 71, and 72 were rejected under 35 USC §102(b) as being anticipated by JP'192.

Independent claim 56, and claims dependent thereon were rejected as anticipated by JP'192. Applicant respectfully traverses the rejection for the following reasons.

Claim 56 recites a method for making a gasket comprising, among other steps, coiling a length of porous ePTFE tape continuously around a center point for at least two windings and coiling a material capable of forming a substantially air impermeable layer by alternating between each winding of the continuous length of porous ePTFE tape with a winding of the material capable of forming a substantially air impermeable layer. The resulting gasket has a coil comprising at least two continuous windings of porous ePTFE around a center point with substantially air impermeable material between the porous ePTFE windings.

Applicant asserts that this method is distinct from the method of JP'192 where JP'192 does not provide a method for coiling a length of porous ePTFE tape continuously around a center point for at least two windings and alternating each winding of ePTFE tape with windings of material capable of forming a substantially air impermeable layer between the porous ePTFE windings.

JP'192 teaches winding a film or sheet of ePTFE on a mandrel to provide a build-up of ePTFE layers. The method has a sequence of steps, which are started and stopped (A step and B step). 'A step' is a step for ePTFE film buildup, which is started and continues until a desired level of ePTFE film is achieved. Then, the ePTFE buildup step is stopped. 'B step', the process step of fluid permeation prevention material buildup, is started and continues until a desired level is achieved; then it is stopped. If additional ePTFE buildup is desired, the ePTFE film buildup process step (A Step) is then started again. JP'192 also teaches cutting the ePTFE film edge with a cutter after ePTFE buildup, before starting the step of fluid permeation prevention material buildup.

The JP'192 method results in a sealing material having discontinuous rings of ePTFE (see Figs. 10 at 11 (a) and (b) and 12; Fig. 11 at 13(a)-(c) and 14a) made by the start/stop process steps of Astep/Bstep. Discontinuous rings of fluid permeation prevention material (12 and 14a, b) are alternated between the discontinuous rings of ePTFE. This does not disclose or suggest the claimed method of coiling a length of porous ePTFE tape continuously for at least two windings with alternating windings of a substantially air impermeable material between each winding of the at least two continuous windings of porous ePTFE.

In further contrast, according to the method of Applicant's claim 56, the method comprises the steps of coiling the length of porous ePTFE tape continuously for at least two windings at an increasing distance by aligning the tape at side surfaces for the at least two windings around a center point, and coiling the material capable of forming an air impermeable layer between the aligned windings. Where upper and lower tape surfaces are in the x-y plane of the tape, and side surfaces extend between upper and lower surfaces, layers of the impermeable material are between tape side surfaces of aligned tape coils and, therefore, approximately perpendicular to the x-y plane of the tape. The gaskets according to Figs. 10 and 11 of JP'192, have impermeable materials in the x-y plane of the film.

Where the gasket and method of Applicant's claims are distinct from the teachings of '192, removal of the rejection is therefore respectfully requested.

**Rejections under 35 USC §103(a) as obvious over Mills (USPN 5,964,465, hereinafter '465)**

Claims 1-5, 7-14, 18, 19, 22, 24-35, 39, 40, 43, 45-47, 49-54, 56-60, 64-68, 71-74, 76-80, and 82 were rejected under 35 USC §103(a) as being obvious over '465 in view of JP'192.

Applicant traverses the rejection to the claims under 35 USC §103(a) as being obvious over '465 in view of JP'192 for the following reasons.

In the Office Action it is stated that the gasket of '465 has upper and lower gasket sealing surfaces and comprises porous ePTFE tape with a plane of expansion in the x-y direction. It is stated that the gasket of '465 does not, however, appear to disclose an air impermeable layer between alternating windings of the tape. JP'192 is cited to overcome the deficiencies of '465. It is stated that it would be obvious to modify the gasket of '465 with the impermeable layer taught by JP'192. But it is not clear to Applicant how exactly '465 could be modified by JP'192 to result in the claimed invention. Therefore, Applicant respectfully traverses the rejection for the following reasons.

Applicant asserts that the proposed combination does not suggest each limitation of Applicant's claims. Moreover, where '465 is directed to a form-in-place gasket, and JP '192 is directed to a unitary gasket, there is no motivation to combine the references where there is no teaching how the references could be combined to get to the claimed articles and methods.

Applicant notes that '465 teaches making a tape for use as a form-in-place gasket by wrapping multiple layers of porous ePTFE around a mandrel (Ex. 1 states 85 wraps or layers of porous ePTFE). A spiral cut is made from one end of the mandrel to another to form a length of multilayered gasket tape. A form-in-place gasket, as taught in '465 (e.g. in Fig. 8a), is formed into a gasket in situ, joining opposite ends of the multi-layered length of tape.

In contrast, JP'192 is directed to a method as discussed above, for making a unitary gasket. It is not clear how a person of ordinary skill in the art would modify '465 by the method of JP'192 to get to the claimed gasket. Applicant asserts that JP'192 does not overcome the limitations of '465, where the combination does not disclose each element of Applicant's claims. JP'192 teaches sealing material comprising layers of ePTFE and layers for preventing fluid penetration

interposed between the layers of ePTFE. The fluid penetration prevention layers are therefore parallel to the ePTFE layers, and parallel to upper and lower tape surfaces. Unitary gaskets made according to JP'192 are installed so that both the layers of ePTFE film and the fluid prevention layers are oriented perpendicular to the fluid leak path.

Specifically, with regard to newly amended claim 1 (and claim 27) and the claims dependent thereon, among other things, '465 does not teach a gasket formed from a tape comprising multiple windings around a gasket inner periphery. As stated above, '465 teaches only a porous ePTFE tape for use as a form-in-place gasket. Though JP'192 teaches incorporating an impermeable material layer between concentric rings or layers of ePTFE, a tape incorporating this impermeable material would not disclose or suggest the claimed gasket. The claimed gasket has multiple tape windings from a length of tape around a gasket inner periphery alternating with substantially air impermeable layers, and each ePTFE winding is aligned along tape side surfaces joined by the substantially air impermeable layer. The tape comprises a plane of expansion in the x-y plane of the tape. Where the upper and lower tape surfaces (or upper and lower tape layers in claim 27) are in the x-y plane of the tape, side surfaces extending between upper and lower tape surfaces (or tape layers) are perpendicular to the plane of expansion.

US'465 in view of JP'192 does not disclose or suggest this gasket or process for making it. At best, a form-in-place gasket would be formed having an air impermeable layer that is also parallel to the ePTFE layers. Therefore, there is no disclosure or suggestion of a gasket having alternating rotations of ePTFE tape and impermeable material joined at tape side surfaces.

Specifically, with regard to claim 48 and the claims dependent thereon, the combination of references does not disclose or suggest, among other things, method steps including forming a fluoropolymer layer onto the two porous ePTFE tape side surfaces (as defined by the specification, and exemplified by the figures, and examples of the instant application). The combination does not disclose the steps of winding a tape that has fluoropolymer layers on two tape side surfaces, and heating at a juncture of two fluoropolymer layers of two tape windings to fuse the two fluoropolymer layers.

Specifically, with regard to newly amended claim 56, the combination does not disclose or suggest a method for forming a gasket comprising, among other things, the steps of coiling a porous ePTFE tape

continuously for at least two windings at an increasing distance around a center point and aligned along tape side surfaces.

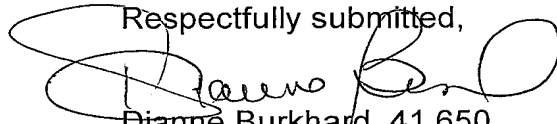
Specifically, with regard to claim 73 and the claims dependent thereon, the combination of references does not teach the process steps of first contacting an ePTFE tape with a melt processable fluoropolymer to weld the ePTFE tape and the fluoropolymer together, and then winding the resulting ePTFE tape comprising the melt processable fluoropolymer, and further does not disclose or suggest applying heat at a juncture of two windings (see examples and Figs. 7a and 7b).

Where all of the dependent claims contain all of the limitations of the independent claims from which they depend, Applicant deems these claims patentable for the reasons set forth above for the independent claims. Removal of the rejection of all claims is respectfully requested.

### **Conclusion**

For the foregoing reasons, Applicant asserts that the claims are now in form for allowance. If further questions remain, Applicant requests that the Examiner telephone Applicant's undersigned representative before issuing a further Office Action.

Respectfully submitted,



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